

The opinion in support of the decision being entered today was  
not written for publication and is not binding precedent of the  
Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAY 31 2002

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JARON Z. LANIER, JEAN-JACQUES G. GRIMAUD,  
YOUNG L. HARVILL, ANN LASKO-HARVILL, CHUCK L. BLANCHARD,  
MARK L. OBERMAN, and MICHAEL A. TEITEL

Appeal No. 2002-0475  
Application No. 09/217,595

ORDER REMANDING TO EXAMINER

Appellants filed a reply brief on April 29, 2002 (Paper No. 22) in response to the examiner's answer entered January 29, 2002 (Paper No. 20). However, there is no indication on the record whether or not the examiner has responded to the reply brief. Section § 1208.03 of the Manual of Patent Examining Procedure (8<sup>th</sup> ed., Aug. 2001) states:

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by

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using form paragraph 12.47 on form PTOL-90; or (B)  
reopen prosecution to respond to the reply brief. See  
MPEP § 1208.02.

Accordingly, it is

ORDERED that this application be remanded to the examiner for: 1) proper written response to the reply brief, and 2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES  
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Application No. 09/217,595

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